



## FEDERAL BUREAU OF INVESTIGATION

Date of entry 11/06/2017

On October 24, 2017, Special Agent (SA) Nancy Stemo interviewed Mario RODRIGUEZ, aka "Blue," at the Las Cruces, New Mexico Federal Court House. Assistant United States Attorney (AUSA) Maria Armijo, AUSA Randy Castellano, AUSA Matthew Beck, and Defense Attorney Santiago Hernandez were also present for the interview. Pursuant to a Kastigar Letter, RODRIGUEZ provided the following information:

RODRIGUEZ was moved from Santa Rosa to the Penitentiary of New Mexico (PNM) North Unit in 2005 after he assaulted a Correctional Officer (CO). He was placed next to Sindicato de Nuevo Mexico (SNM) Gang members Robert MARTINEZ, aka "Baby Rob," Carlos HERRERA, aka "Lazy," and Edward GARCIA. At the time, RODRIGUEZ did not know anything about the SNM but received a kite from Tommy VALDEZ, aka "Baby Rabbs," via his food port in which VALDEZ stated he would talk to R. MARTINEZ and indicate RODRIGUEZ was a homie. MARTINEZ did not know VALDEZ but VALDEZ pushed for RODRIGUEZ to join the SNM. VALDEZ wanted RODRIGUEZ in the SNM because of the assault on the CO. RODRIGUEZ did not join the SNM at the time and kept to himself.

RODRIGUEZ saw SNM members Samuel SILVA, aka "Rabbs," Javier MOLINA, aka "Krazy," and Arturo GARCIA, aka "Shotgun," at the recreation yard and A. GARCIA asked him if he wanted to join the SNM. SILVA was wary of RODRIGUEZ because his charges had not been shown on the news and no one had asked to see his legal paperwork. E. GARCIA also attempted to recruit RODRIGUEZ based on what he saw on the news about the CO assault but RODRIGUEZ heard a rumor that he was shot down for membership.

RODRIGUEZ was later transferred pods and was housed with Los Carnales (LC) Gang members FNU LNU, aka "Diablo," Tyson LNU, and FNU LNU, aka "Alf." His friend, Joseph SIFUENTES, aka "Snuffy," started pushing him to join the LC and had him talk to "Diablo." "Diablo" taught him how to make shanks, among other things. "Diablo" was aware the SNM wanted to recruit RODRIGUEZ. Several other gangs tried to recruit RODRIGUEZ but he ultimately hung out with SNM members more. RODRIGUEZ thought more of the SNM Gang because it was more structured than the LC and he glorified the Eme and gang culture. He never earned his bones or was voted into the SNM

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EXHIBIT

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U.S. v. DELEON, ET AL. 31649

FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
 Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 2 of 9

but MARTINEZ and Lupe URQUIZO, aka "Marijuano," gave him skina [help.] David CALBERT, aka "Spider," began calling RODRIGUEZ, "carnal" and RODRIGUEZ never corrected him in order to avoid disrespecting him.

RODRIGUEZ stabbed Robert ESPARZA, aka "Stranger," because ESPARZA burned him for \$900 over dope. New Mexico Corrections Department (NMCD) Officials and SNM members thought RODRIGUEZ was going to stab Curtis COFFIN, aka "Happy," an LC member because RODRIGUEZ was housed next to COFFIN. COFFIN was supposed to go to the showers but refused. ESPARZA was next in line for the showers. ESPARZA told the COs someone was in the shower and the COs checked but did not see RODRIGUEZ. ESPARZA was taken out of his cell and RODRIGUEZ assaulted him. Many SNM members believed this stabbing was the incident where RODRIGUEZ earned his bones but he did it for personal reasons, not for the SNM. Neither ESPARZA nor RODRIGUEZ spoke to law enforcement about the incident and RODRIGUEZ was never charged. RODRIGUEZ wrote a letter after the incident, to SNM Gang leader, Gerald ARCHULETA, aka "Styx," and NMCD listed him as a suspected SNM member for it. RODRIGUEZ never clarified with the SNM that the stabbing was for personal reasons and was not him earning his bones for the gang.

#### **Alex SOSAYA, aka "Chulo," Assault**

The issues between SOSAYA and Robert MARTINEZ began over an unreturned cassette player and dope while both were housed at the PNM North Unit. R. MARTINEZ lent SOSAYA a cassette player. SOSAYA did not return it because it broke. SOSAYA's friend, FNU LNU, aka "Crook," from Burque sold R. MARTINEZ overpriced dope. R. MARTINEZ began to hate SOSAYA after these two incidents.

SOSAYA told HERRERA to be careful because he wanted to hit R. MARTINEZ and the rest of the tabla except for ARCHULETA. HERRERA shared SOSAYA's comments with R. MARTINEZ and R. MARTINEZ greenlit SOSAYA for it. RODRIGUEZ offered to assist R. MARTINEZ with the hit if SOSAYA, R. MARTINEZ, and he were moved to the South Unit. He offered to back up R. MARTINEZ because R. MARTINEZ was on the tabla, to show loyalty to the SNM, and to validate his self-doubt about hanging out with the SNM but not earning his bones with the gang. He did not feel he was a member of the SNM because he had not done anything for the gang and this was an opportunity to do so. R. MARTINEZ told him the issue was personal but RODRIGUEZ stated that no one messes with the tabla or else being on the tabla would have no meaning. RODRIGUEZ felt the tabla needed to be respected. RODRIGUEZ aspired to be on the tabla in the future.

FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 3 of 9

R. MARTINEZ and RODRIGUEZ were later moved to the South Unit. SOSAYA was eventually moved to the South Unit as well. VALDEZ was housed on the bottom tier and told RODRIGUEZ they would handle SOSAYA if he was placed on that tier. SOSAYA was placed on the top tier but was not let out of his cell because the NMCD Security Threat Intelligence Unit (STIU) believed there was an issue between SOSAYA and others. The Deputy Warden, Derek Williams, spoke with the SNM members in the pod and told them STIU did not run the unit and he would let SOSAYA out if the SNM stated SOSAYA was good. The SNM stated he was good and SOSAYA was let out of his cell.

Prior to SOSAYA being let out, R. MARTINEZ and RODRIGUEZ wrote letters to each other about the hit. Israel GARCIA, aka "Forest," and others tried to intervene and stop the hit. RODRIGUEZ told R. MARTINEZ to tell SOSAYA the issue was quashed but in reality it was not and the hit would occur. R. MARTINEZ briefly admitted he wanted to quash it but RODRIGUEZ knew he was not serious because R. MARTINEZ and SOSAYA shook hands but looked away from each other. Later, he and R. MARTINEZ were playing chess and R. MARTINEZ stated he would hit SOSAYA because [R. MARTINEZ] "had a complejo [complex]."

RODRIGUEZ cut out the bottom of a hot pot and used a candle to make shanks. He was not very good at making shanks at that time. The shanks were too thick and he told R. MARTINEZ to be careful because they would break. R. MARTINEZ tossed his shank and used a razor instead. The plan was to hit SOSAYA on the handball court because COs would be unable to shoot them. R. MARTINEZ initially wanted to hit SOSAYA in the pod but they ultimately chose the yard because it was a way to make an example of SOSAYA and serve as a sign to not mess with the tabla.

SOSAYA and RODRIGUEZ played cards on the day of the hit. SOSAYA admitted he previously wanted to hit RODRIGUEZ because he misunderstood RODRIGUEZ's facial expressions. SOSAYA believed RODRIGUEZ was giving him the eye but later realized RODRIGUEZ looked at everyone that way.

The hit was originally going to occur on the Monday before the assault; but, it did not occur because NMCD placed everyone in lockdown over weapons and drugs located in the level four unit. On the Wednesday before the hit, Edward TROUP arrived and brought marijuana from Eric DURAN. TROUP did not get along with R. MARTINEZ and did not bring any word to assault SOSAYA. The hit occurred on a Friday.

RODRIGUEZ strapped his shank on with an Ace bandage and placed a knee brace above it. COs searched him on the way out to the yard and asked him

FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
 Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 4 of 9

to move the knee brace but they did not see the shank. A CO walked him out to the basketball court and he asked if he could go to the handball court instead but his request was denied.

SOSAYA, RODRIGUEZ, and R. MARTINEZ were playing basketball together in the yard. R. MARTINEZ wanted to tire SOSAYA and RODRIGUEZ thought that was weak. The STIU staff were initially present because they felt there was tension within the pod but left shortly after. I. GARCIA, who was in a different yard, called SOSAYA to the fence and the two argued. SOSAYA stated, "fuck that bitch," and RODRIGUEZ became angry and stuck the shank in SOSAYA's neck. The shank went in and up and RODRIGUEZ thought it was broken. R. MARTINEZ ran to them and pushed SOSAYA and RODRIGUEZ against the fence. SOSAYA went after R. MARTINEZ and R. MARTINEZ dropped his shank. SOSAYA stumbled and grabbed the shank but RODRIGUEZ grabbed him and dropped him to the floor and took the shank back. RODRIGUEZ "chickenwinged" SOSAYA for R. MARTINEZ and R. MARTINEZ tried to slice SOSAYA's neck but was kicked in the face by SOSAYA. R. MARTINEZ then began kicking SOSAYA. SOSAYA bit RODRIGUEZ's finger and RODRIGUEZ bit SOSAYA's ear off. RODRIGUEZ had his finger in SOSAYA's eyes but it slipped and SOSAYA got away. RODRIGUEZ then surrendered when STIU Major Adam Vigil put a shotgun to the back of his head.

RODRIGUEZ had a pull string in his shoe. He told R. MARTINEZ to grab it when SOSAYA kicked R. MARTINEZ in the face but R. MARTINEZ did not know it was there. RODRIGUEZ wanted to use the rope as handcuffs. RODRIGUEZ did not hear and did not believe that lethal force had been authorized during the incident.

Ben CLARK and others did not want R. MARTINEZ to be the key holder at the South Unit. RODRIGUEZ stood up for R. MARTINEZ in front of CLARK. CLARK and SILVA later agreed that R. MARTINEZ should be in charge.

#### **Javier MOLINA, aka "Krazy," Homicide**

Anthony Ray BACA, aka "Pup," returned to the PNM North Unit from Nevada with a new structure for the SNM. The structure involved rebuilding the SNM and making SNM members feel like they were needed and wanted. BACA placed people in leadership positions. BACA wanted rats with paperwork to be taken out and also wanted background checks on prospects before they became members. Everyone who left the facility was supposed to leave with a blueprint of BACA's plans and was expected to establish the structure at other units/facilities. While doing so, these individuals would be in charge of those unit or facilities. Once the structure was established, SNM members would vote on a leader at that location. MOLINA believed in

FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 5 of 9

BACA's structure and left PNM with it. BACA liked MOLINA because MOLINA bought into the proposed changes. David CALBERT did not like the new structure.

Jesse SOSA had the paperwork on MOLINA and gave it to Joe MARTINEZ, aka "Cheech." J. MARTINEZ gave the paperwork to CALBERT. RODRIGUEZ was housed with J. MARTINEZ and CALBERT. CALBERT told RODRIGUEZ he had paperwork on MOLINA and Jerry MONTOYA, but was moved pods before he could produce it. CALBERT was moved because Paul SILVA, aka "Loco," was in the same pod; CALBERT assaulted P. SILVA previously.

RODRIGUEZ, URQUIZO, Mauricio VARELA, and J. MARTINEZ were at the PNM South Facility. RODRIGUEZ told URQUIZO and VARELA he would not touch MOLINA without seeing the paperwork. URQUIZO and VARELA were supposed to relay that information to CALBERT.

RODRIGUEZ was moved to the Southern New Mexico Correctional Facility (SNMCF) where MOLINA was housed. RODRIGUEZ was high on meth and tried to get Efrain MARTINEZ, aka "Drama," to hit MOLINA but E. MARTINEZ refused because RODRIGUEZ did not have the paperwork. RODRIGUEZ believed Jerry ARMENTA's statement was incorrect regarding RODRIGUEZ asking for the paperwork. RODRIGUEZ stated he was asking for the syringe, not the paperwork, because there was only one syringe in the pod.

URQUIZO brought the paperwork on MOLINA down to SNMCF. The paperwork for MONTOYA did not arrive. Carlos HERRERA received the paperwork from URQUIZO and gave it to RODRIGUEZ. RODRIGUEZ showed it to Daniel SANCHEZ, aka "Dan Dan," and they read it together by the stoop of RODRIGUEZ's cell. SANCHEZ said, "it's done," before RODRIGUEZ finished reading the document. RODRIGUEZ was looking for the seal or a stamp because MOLINA's name was in bold and it stood out and looked weird.

SANCHEZ wanted Timothy MARTINEZ to help with the hit because he did not believe T. MARTINEZ would follow through and T. MARTINEZ's refusal would be a way to get rid of T. MARTINEZ. SANCHEZ complained about MOLINA and T. MARTINEZ always having dope and extra food and not sharing. HERRERA told RODRIGUEZ that MOLINA called out SANCHEZ, before RODRIGUEZ arrived to the pod, and T. MARTINEZ backed MOLINA. SANCHEZ ultimately backed down. RODRIGUEZ believed this was one of the reasons SANCHEZ wanted T. MARTINEZ involved in the hit. SANCHEZ chose Jerry ARMENTA and MONTOYA for the hit because they needed to earn their bones. RODRIGUEZ volunteered to participate but SANCHEZ said he should not. SANCHEZ did not want to cover the cameras because he claimed the location for the murder was in a "blind spot."

FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 6 of 9

SANCHEZ called RODRIGUEZ over to Rudy PEREZ's cell. SANCHEZ and PEREZ had a conversation before RODRIGUEZ walked up to them and RODRIGUEZ did not know what the conversation was about. RODRIGUEZ did not hear the conversation between SANCHEZ and PEREZ. SANCHEZ pointed out a metal piece from the walker and disappeared. PEREZ appeared scared and stated that he [PEREZ] was "down for whatever as long as it was not me." RODRIGUEZ understood PEREZ did not want to be hurt and would go along with the hit if he [PEREZ] did not otherwise have to be involved. RODRIGUEZ took the metal piece from PEREZ's walker and placed it down his pants. SANCHEZ disappeared and locked himself in his cell. RODRIGUEZ went to his cell to make shanks. Everyone else went to out to the yard. PEREZ was housed in the cell next to the pod door where the paperwork came through. SNM members in the pod were getting shanks from the wheelchair program.

T. MARTINEZ returned from the wheelchair program and RODRIGUEZ instructed him to go get high. T. MARTINEZ and RODRIGUEZ roughoused for a bit and RODRIGUEZ told T. MARTINEZ the paperwork had arrived. T. MARTINEZ volunteered to do it because he thought the paperwork was for MONTOYA. RODRIGUEZ clarified it was for MOLINA and told T. MARTINEZ to go to MOLINA's cell but that he, RODRIGUEZ, would handle it. T. MARTINEZ stated he would do it for the SNM. T. MARTINEZ came up with the plan to choke MOLINA out. RODRIGUEZ believed ARMENTA and MONTOYA would not have been able to kill MOLINA if T. MARTINEZ had not knocked MOLINA out first.

RODRIGUEZ placed handles on the shanks while the pod was in lockdown. When the doors opened, he hopped the railing and met T. MARTINEZ at his cell. T. MARTINEZ informed RODRIGUEZ he had MOLINA's "fierro" [shank] in a bag of canteen. RODRIGUEZ took the bag and instructed T. MARTINEZ to choke MOLINA out. SANCHEZ gave ARMENTA the shank ARMENTA used in the attack. RODRIGUEZ gave MONTOYA a shank inside of MONTOYA's cell. MONTOYA initially put his hands up but said he would do it and asked if the paperwork had been seen. Once RODRIGUEZ confirmed he saw the paperwork, MONTOYA agreed to do the hit. Of the people involved in carrying out the hit, only T. MARTINEZ received forewarning of it. No one else was informed because RODRIGUEZ did not want anyone to alert a CO during count and thus be able to prevent the hit.

RODRIGUEZ, T. MARTINEZ, and MOLINA briefly met up at the pod tables to discuss setting up "a spread" [meal]. RODRIGUEZ suggested they go get high and SANCHEZ asked if he could go as well. RODRIGUEZ thought that was odd and said no because SANCHEZ knew what was supposed to happen to MOLINA. As they departed the table, RODRIGUEZ mentioned a "strong armed robbery," the same charge involved in the paperwork on MOLINA.



FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 7 of 9

SANCHEZ told RODRIGUEZ not to leave any of the dope behind in MOLINA's cell and told RODRIGUEZ to go "halfers" with whatever was left. RODRIGUEZ took the spoon RODRIGUEZ and MOLINA were using to get high and left it in the shower. A picture of the spoon in the showers was available on the tablets. RODRIGUEZ kept the syringe but lost the Suboxone.

Once in MOLINA's cell, RODRIGUEZ tried to unwrap the paper containing the drugs but MOLINA took it and was trying to get it on a spoon. MOLINA looked up and T. MARTINEZ grabbed MOLINA and RODRIGUEZ held down MOLINA's arms. MOLINA lost consciousness temporarily. RODRIGUEZ told T. MARTINEZ to exit the cell and RODRIGUEZ got on the bunk to allow ARMENTA and MONTOYA to enter. RODRIGUEZ thought the stabbing sounded like they were hitting cardboard. MONTOYA was on top of MOLINA stabbing him and ARMENTA looked like he did not know what to do. RODRIGUEZ told them to not let MOLINA out of the cell. MONTOYA told MOLINA to stay back but he did not. ARMENTA attempted to give the shank to RODRIGUEZ but RODRIGUEZ refused and instructed ARMENTA and MONTOYA to get MOLINA.

MOLINA stated, "come on, I'm done carnal," and RODRIGUEZ responded, "you're no carnal." MONTOYA flicked his shank up to the top tier and RODRIGUEZ grabbed it, bent it over his knee, stuffed it down the drain, and turned the water on. RODRIGUEZ forgot to take the saran wrap off of the shank. RODRIGUEZ returned to his cell and noticed some blood which he wiped with hand sanitizer. He realized he still had MOLINA's shank and bent it over the table and tried to wrap it with saran wrap so he could keister it and left some saran wrap in the toilet.

SANCHEZ wanted to verify the paperwork but HERRERA told them to "get that shit fucken done." The paperwork was returned to HERRERA who wanted to pass it to green pod but RODRIGUEZ told him not to because the people in green pod were protecting MOLINA. RODRIGUEZ did not know where the paperwork ultimately ended up.

When BACA returned from the ADX, a U.S. Prison in Florence, CO, he asked RODRIGUEZ if they saw the paperwork and RODRIGUEZ confirmed they had. BACA asked to see the paperwork because MOLINA was a follower and he did not want a follower who was a rat. RODRIGUEZ did not know if BACA wanted MOLINA killed. BACA said they had done the right thing by hitting /killing MOLINA. RODRIGUEZ thought BACA would have stopped the hit if he had been at SNMCF because the SNM was progressing to a whole unit yard. In RODRIGUEZ's opinion, BACA would have likely had MOLINA assaulted instead of killed. BACA did not mean for MOLINA's killing to be revenge against NMCD. BACA asked if CALBERT had the paperwork and J. MARTINEZ told him he did. RODRIGUEZ believed the interaction with BACA was caught on the Rookie

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
 Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 8 of 9

Year show but was not shown because neither signed the consent forms. RODRIGUEZ thought BACA was indirectly involved but had not seen the paperwork because the paperwork would have gone through too many hands to reach him. The government informants would have seen the paperwork if it had gone to BACA. The SNM bylaws indicate that rats should be killed. By virtue of his position, BACA possibly authorized it.

Initially, Jesse SOSA and Roland VALENZUELA sent the paperwork to Jason WRIGHT, aka "Trigger," via a wife who was a paralegal. The second time the paperwork was sent, it was given to Jesse SEDILLO, aka "Croc." SEDILLO kept it quiet and MOLINA gave him dope in return.

### **Court Room Security**

RODRIGUEZ admitted to taking at least one shank to each federal court hearing. RODRIGUEZ was going to hit Mauricio VARELA at court but decided against it. SANCHEZ had a razor. RODRIGUEZ believed the United States Marshal Service (USMS) should keep the black boxes on the defendants for the AUSA's safety. RODRIGUEZ gave the USMS two shanks on the day of the debrief.

### **General SNM Info**

In 2014, BACA was the top leader of the SNM and was the most respected within the state. If Ramon CLARK, aka "Razor," ever came back, he would take over. BACA had a lot of power but was gone for a long time. BACA gave SNM members a voice and many felt like they were listened to and their opinions mattered. Newer members did not know BACA because he had been out of state for so long. Despite that, members gave him loyalty when he returned. Those that did know BACA did not follow him. BACA had Jeffrey MADRID, aka "Stoner," stabbed while BACA was not in the unit so that BACA could return to the unit. BACA tried to protect himself from going back to the level six. BACA would verify hits were legitimate by asking questions and so he could take credit for what occurred. BACA did not need to see paperwork as long as other SNM members saw the paperwork, the "tabla" vouched they saw it, told BACA about it later, and the hit was for a regla [rule] violation. Tabla members were appointed by BACA. BACA appointed the individuals in charge at SNMCF. Only BACA could place a hit on a member who is in good standing.

There were two well respected SNM members in the pod where MOLINA was killed: RODRIGUEZ and SANCHEZ. People were complaining to RODRIGUEZ regarding SANCHEZ charging people for "whack ass" tattoos. RODRIGUEZ began to lose respect for SANCHEZ over an incident in which SANCHEZ wanted to



FD-302a (Rev. 05-08-10)

245U-AQ-6239655

(U) 10/24/2017 Debrief of Mario  
Continuation of FD-302 of Rodriguez, aka "Blue", On 10/24/2017, Page 9 of 9

have an unknown individual stabbed for going into protective custody at the level four. Efrain MARTINEZ, aka "Drama," pointed out the individual to SANCHEZ and SANCHEZ told everyone to not do anything. RODRIGUEZ confronted the individual who ended up asking for protective custody again. RODRIGUEZ thought it looked bad that SANCHEZ did nothing when the opportunity arose.

R. MARTINEZ used to box with another SNM member and that is how he became SNM.

RODRIGUEZ felt Ben CLARK was leaving the SNM before he officially left to the Restoration into Prison Population (RPP) Program because CLARK was being distant with RODRIGUEZ. CLARK and TROUP did not want RODRIGUEZ in the SNM because of his charges. RODRIGUEZ confronted CLARK, who backed down.

Arturo GARCIA gave up two weapons at the South Unit. Mauricio VARELA, aka "Archie," called A. GARCIA a rat because of it but now supports A. GARCIA.

RODRIGUEZ often confronted people and many in the SNM held him responsible for people (Jerry ARMENTA, Jerry MONTOYA, Ben CLARK, T. MARTINEZ, and Billy CORDOVA) leaving the SNM and cooperating with the government. He sold T. MARTINEZ drugs on the streets. He and Adam MARTINEZ, aka "BB" beat T. MARTINEZ and a friend up.

The SNM wanted to go back to the days of Juan BACA where the gang was exclusive, there was a chain of command, and the gang was respected. S. SILVA, BACA, RODRIGUEZ, TROUP, and A. GARCIA wanted to change the SNM. RODRIGUEZ believed Angel MUÑOZ dismantled the SNM when he recruited everyone without checking their backgrounds. Many SNM members were upset when MUÑOZ's letters requesting cooperation were disclosed to the defense.

RODRIGUEZ believed the SNM learned its lesson of placing hits on government officials with Marcantel and he did not believe the SNM was attempting to target the prosecution team.